

UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT

DAVID STEBBINS	)	
Appellant	)	
VS.	)	
RANDALL RICHARDSON &	)	Case No. 11-3639
RELIABLE HEAT & AIR, LLC	)	
Appellees	)	
_____	)	

**PETITION FOR EN BANC REHEARING**

Comes now, *pro se* Plaintiff David Stebbins, who hereby submits the following motion for the 8<sup>th</sup> Circuit *en banc* to hear this case.

The panel decision in this case conflicts with a previous decision of this court. Namely, it conflicts with the case of Local 36 Sheet Metal Workers' International Association, Local Union No. 36 v. Systemaire, Inc., 241 F.3d 972 (8<sup>th</sup> Cir. 2001) ("A party seeking to challenge the validity of an arbitration award generally must file a timely motion to vacate that award. ) See also also Domino Group, Inc. v. Charlie Parker Mem'l Found., 985 F.2d 417, 419-20 (8th Cir. 1993).

To claim that the motion to confirm was "meritless" misses one of the key points of my appeal: That the courts are without *jurisdiction* to make that decision in the first place until a motion to vacate or modify the award is present.

They also erred on a question of substantial importance: Is a disabled employee legally responsible for requesting specifically the accommodation he needs, or are the employer and employee required to work together to formulate an accommodations package that is mutually beneficial and cost effective? This is substantively important because it can prevent a lot of litigation. This is especially true since the panel's decision is not even published, meaning that there is still no actual *precedent* for this issue, meaning that the disagreement will spark a ton of

controversy and clog up the judiciary's resources.

Wherefore, premises considered, I respectfully request that this petition for en banc rehearing be granted.



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**CERTIFICATE OF SERVICE**

I, *pro se* Appellant David Stebbins, hereby certify that a true and correct copy of my Reply Briefing was served on Appellees by allowing their counsel to view the document on ECF, which is allowed under Local Rule 25(d).



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